



1634

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:	)	Group Art Unit:	1634
	)		
<i>Brentano et al.</i>	)	Examiner:	To be assigned
	)		
Serial No. 10/665,708	)	Atty. Docket No.	GP107-03.DV1
	)		
Filed: Sept. 18, 2003	)		
	)		
For: Nucleic Acid Amplification and	)		
Detection of Mycobacterium Species )	)		

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97(b)(1)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicant brings to the Examiner's attention the references listed on the enclosed forms PTO/SB/08 (two copies) for consideration in connection with the examination of the above-identified application. A copy of each non-U.S. patent cited reference is enclosed. Many of the items listed in the form PTO/SB/08 are the U.S. patent or published patent application that corresponds to a published PCT application or European application that was cited in the parent application, and which are not cited here because they are believed to be cumulative of the cited references.

In accordance with 37 C.F.R. § 1.97(b)(1), this Information Disclosure Statement is being submitted within three months of the certified filing date of the instant application.

Applicant respectfully requests that the Examiner indicate consideration of the cited references by returning a copy of the enclosed forms PTO/SB/08 with the Examiner's initials or other appropriate marks.

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I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date indicated below with sufficient postage as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: December 10, 2003

By: Christine A. Grizmacher  
Christine A. Grizmacher  
Registration Number 40,627

IDS

Serial No. 10/665,708  
Atty. Docket No. GP107-03.UT

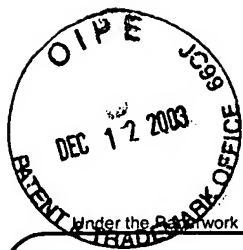
No fee is believed due in connection with this Information Disclosure Statement. If Applicant is mistaken, please charge the amount due to Deposit Account No. 07-0835, in the name of Gen-Probe Incorporated.

Respectfully Submitted,

Date: December 10, 2003

By: Christine A. Gritzmacher  
Christine A. Gritzmacher  
Registration Number 40,627  
Attorney for Applicant

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Substitute for form 1449/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

### Complete if Known

Application Number	10/665,708
Filing Date	September 18, 2003
First Named Inventor	Steven T. Brentano
Art Unit	1634
Examiner Name	To be assigned
Attorney Docket Number	GP107-03.DV1

Sheet 1 of 4

### U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 5,422,242	06-06-1995	Young	
		US- 5,521,300	05-28-1996	Shah et al.	
		US- 5,554,516	09-10-1996	Kacian et al.	
		US- 5,561,044	10-01-1996	Walker et al.	
		US- 5,574,145	11-12-1996	Barry et al.	
		US- 5,677,128	10-14-1997	Hogan et al.	
		US- 5,712,095	01-27-1998	Britschgi et al.	
		US- 5,726,021	03-10-1998	Britschgi et al.	
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		US- 5,906,917	05-25-1999	Hammond	
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		US- 6,207,883 B1	03-27-2001	Baudot et al.	
		US- 6,280,952 B1	08-28-2001	Weisburg et al.	

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
		WO99/35284 A1	07-15-1999	Universidade Federal de Minas		
		WO01/66797 A2	09-13-2001	Beckman Coulter/US Dept. Health		

Examiner  
Signature

Date  
Considered

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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**Complete if Known**

Application Number	10/665,708
Filing Date	September 18, 2003
First Named Inventor	Steven T. Brentano
Art Unit	1634
Examiner Name	To be assigned
Attorney Docket Number	GP107-03.DV1

Sheet	2	of	4
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## U. S. PATENT DOCUMENTS

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## FOREIGN PATENT DOCUMENTS

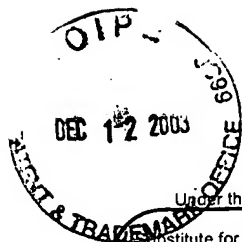
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Sheet	3	of	4	Attorney Docket Number	GP107-03.DV1

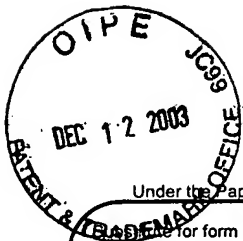
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		Boddinghaus et al., "Detection and Identification of Mycobacteria by Amplification of rRNA", J. Clin. Microbiol., Aug. 1990, 28(8):1751-9, American Society for Microbiology, U.S.	
		FAUVILLE-DUFAUX et al., "Rapid Identification of Mycobacterium xenopi from bacterial colonies of "Bactec" culture by the polymerase chain reaction and a luminescent sandwich hybridization assay", Res. Microbiol., May, 1995, 146(4):349-56, Institute Pasteur/Elsevier, Paris, France.	
		GINGERAS et al., "Simultaneous Genotyping and Species Identification Using Hybridization Pattern Recognition Analysis of Generic Mycobacterium DNA Arrays", Genome Res., May 1998, 8(5):435-48, Cold Spring Harbor Press, U.S.	
		HOLBERG-PETERSEN et al., "Identification of clinical isolates of Mycobacterium spp. by sequence analysis of the 16S ribosomal RNA gene. Experience from a clinical laboratory" Acta Pathologica Microbiologica et Immunologica, Feb. 1999, 107(2):231-9, APMIS. Scandinavia.	
		KIRSCHNER et al., "Diagnosis of Mycobacterial Infrections by Nucleic Acid Amplification: 18-Month Prospective Study", J. Clin. Microbiol., Feb. 1996, 34(2):304-12, American Society for Microbiology, U.S.	
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		KIRSCHNER et al., "Species identification of mycobacteria using rDNA sequencing", Methods Mol. Biol. 1998, 101:349-61, Elsevier, G.B.	
		KLEMEN et al., "Multiplex polymerase chain reaction for rapid detection of atypical mycobacteria and Mycobacterium tuberculosis complex" Diagn. Mol. Pathol. Dec. 1998, 7(6):310-6, Lippincott Williams & Wilkins, U.S.	
		KOX et al., "Microwell Hybridization Assay for Detection of PCR Products from Mycobacterium tuberculosis Complex and the Recombinant Mycobaterium smegmatis Strain 1008 Used as an Inernal Control", J. Clin. Microbiol., Sept. 1996, 34(9):2117-20, American Society for Microbiology, U.S.	
		ROGALL et al., "Towards a phylogeny and definition of species at the molecular level within the genus Mycobacterium", Int. J. of Syst. Bacteriol., Oct. 1990, 40(4):323-30, American Society for Microbiology, U.S..	

Examiner Signature	Date Considered
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Sheet 4	of 4	Attorney Docket Number	GP107-03.DV1

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Stackebrandt et al., "Taxonomic Note: A Place for DNA-DNA Reassociation and 16S rRNA Sequence Analysis in the Present Species Definition in Bacteriology", Int. J. of Syst. Bacteriol., Oct. 1994, 44(4):846-9, International Union of Microbiological Societies, U.S.	
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